

Message

From: Meade, Christopher (SUF) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=CHRISTOPHER.MEADE]
Sent: 8/8/2011 5:14:13 PM
To: Nassif, Julianne (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Julianne.Nassif]
CC: O'Brien, Elisabeth (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Elisabeth.O'Brien]
Subject: RE: Comm v [REDACTED] Status August 9, 2011

Julianne:

I am contacting you about the [REDACTED] case that I am assigned to prosecute in the West Roxbury Division in Suffolk County.

Defense counsel filed a Motion to prevent us from calling a substitute or surrogate chemist as well as a Motion to Dismiss the case based on recent Supreme Court decision on Bullcomings. The motions were argued about three weeks ago. Justice Driscoll took the motion under advisement because she wanted to hear how we were going to proceed.

Justice Driscoll asked:

1. Whether the chemists (John Donovan & Nancy Tisei) that tested the heroin in 2002-03 were in the area and willing to come in and testify on the case?
2. Whether the lab would re-test the drugs?

I spoke to Christina Miller, Chief of District Courts in Suffolk County and she said that I should see what the lab wanted to do. I spoke to Elisabeth O'Brien this morning and she informed me that you would be the person I should contact. I left you a voicemail message with some of the details today, but I figured that I would try to also update you with an email.

I understand that the lab policy is not to re-test drugs when the GCMS data is available. Charles Salemi sent me a discovery packet as well as the archived GCMS data on this case. John Donovan and Nancy Tisei were the chemists on the case. The heroin weighed over 13 grams and less than 14 grams. The Boston Police officers are all still around. The case had a Motion to Suppress that was denied in 2003. The next event will be a Jury Trial, but I need to know how I can proceed regarding the drugs.

The defendant is not likely to plea because I think that ICE is interested in the defendant. In addition, defense counsel thinks that his client might file a motion for new trial if ICE decides to deport the defendant.

The case is marked for Status before Justice Driscoll tomorrow, August 9, 2011, in West Roxbury. You can reach me at 617-522-4471.

Please let me know your thoughts on the case.

Thank you very much for your help.

Sincerely,

Christopher Meade

Suffolk County DA's Office
West Roxbury Division
617-522-4471

From: Salemi, Charles (DPH)
Sent: Friday, May 20, 2011 10:51 AM
To: Meade, Christopher (SUF)
Cc: Nassif, Julianne (DPH); O'Brien, Elisabeth (DPH)
Subject: RE: Comm v [REDACTED]

Hello ADA Meade, Please send a summons for Nancy Tisei and John Donovan, with the date of trial. We will select a chemist who is available for that date and they will review the notes of John and Nancy and testify to the notes. Once we have chosen someone, we will let you know, and then you can send that person a summons. Thanks. Fax # 617 983-6625

Charles Salemi
Laboratory Supervisor
DPH Drug Analysis Laboratory
305 South Street
Jamaica Plain, MA 02130

From: Meade, Christopher (SUF)
Sent: Thursday, May 19, 2011 5:01 PM
To: Salemi, Charles (DPH)
Cc: Nassif, Julianne (DPH)
Subject: RE: Comm v [REDACTED]

Charles:

How do I request current chemists to be assigned to testify at trial? I mean so I can get them to testify at trial based on the testing chemists' data.

I am planning to file a motion asking the judge to allow the testimony of current chemists based on testing chemists' data.

Thanks for your help.

Sincerely,

Christopher

From: Salemi, Charles (DPH)
Sent: Friday, May 06, 2011 2:42 PM
To: Meade, Christopher (SUF)
Cc: Nassif, Julianne (DPH)
Subject: Comm v [REDACTED]

Hi ADA Meade, We received your fax regarding the possibility of resubmitting sample [REDACTED] 485 glassine bags of heroin) so that it may be retested by the lab. Both original chemists are no longer employed by the laboratory. We do have their analytical data and hand notations for the original work of which I have sent you copies. The original GC/MS data done by Nancy Tisei is available and can be reviewed by another chemist as well as the hand notations of John Donovan. The laboratory's policy is not to retest samples if the original data is still available, but to have one or two of the chemists

working in the lab now, examine the notes and testify. If this will not work for you, you will have to contact the Lab Director, Julie Nassif, to request a possible re-submittal of the item. Take care.

Charles Salemi
Laboratory Supervisor
DPH Drug Analysis Laboratory
305 South Street
Jamaica Plain, MA 02130